

MINUTES

SAN DIEGO COUNTY PLANNING COMMISSION

Regular Meeting – February 20, 2004

DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:00 a.m., recessed at 10:35 a.m., reconvened at 11:01 a.m., and adjourned at 12:35 p.m.

ROLL CALL

Commissioners Present: Beck, Brooks, Day, Edwards, Kreitzer, Miller, Woods

Commissioners Absent: None

Advisors Present: Areigat, Beech, Brazell, Shick (DPW); Taylor (OCC)

Staff Present: Pryor, Hulse, Laybourne, Porter, Russell, McCaffery, Raya, Sibbet, Jones (recording secretary)

Note: Commissioner Day excused himself from today's meeting at 11:45 a.m.

1. Director's Report:

There was none.

2. Public Requests:

Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's agenda.

There were none.

3. Approval of Minutes: None

ZAP 02-046:

4. Sprint PCS, Appeal of Minor Use Permit ZAP 02-046, San Dieguito Community Planning Area (continued from the meeting of February 6, 2004)

Appeal, filed by the Rancho Santa Fe Association, of the Zoning Administrator's October 7, 2003 approval of Minor Use Permit ZAP 02-046. The application is for a wireless telecommunications facility and associated equipment cabinets. The proposed facility will be situated within the County right-of-way on El Camino del Norte. The facility will consist of mounting two antennas and one GPS antenna to new 10-foot wide cross arms located 29.9 feet above grade on a 44-foot tall replacement SDG&E utility pole on the north side of El Camino del Norte. The distribution cabinet will be situated above ground on a concrete pad to the northwest of the replaced utility pole and surrounded by landscaping.

Staff Presentation: Bunnemeyer, Russell

Proponents: 3; **Opponents:** 0

Staff has returned today with the Form of Decision approving Minor Use Permit ZAP 02-046, as requested by the Planning Commission at their February 6, 2004 meeting.

Action: Edwards – Kreitzer

Confirm the Commission's tentative action of February 6, 2004 denying this appeal and granting Minor Use Permit ZAP 02-046, for the reasons indicated in the Form of Decision.

Ayes:	6 -	Beck, Brooks, Edwards, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	1 -	Day
Absent:	0 -	None

TMC 03-0075RPL¹, R03-003:

5. Diamante Tentative Map/Certificate of Compliance (TMC) 03-0075RPL¹ and Zone Reclassification R03-003, Bonsall Community Plan Area

Request for a Zone Reclassification and a Tentative Map/Certificate of Compliance to allow conversion of 42 existing apartments into a 42-unit condominium complex. The proposed Zone Reclassification (R03-003) will allow a change in the Setback Designator from "K", which requires a 10-foot interior side yard and a 25-foot rear yard setback to "Q", which will permit a five-foot interior side yard and a 15-foot rear yard setback. The subject property measures 3.01 acres in size and is in the Country Town (CT) Regional Category and the (8) Residential Lane Use Designation of the General Plan. The project site is zoned RU15, Urban Residential, and is located at 31916 through 31918 Del Cielo Este in the Bonsall Community Plan Area.

Staff Presentation: Raya

Proponents: 0; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Edwards

1. Recommend that the Board of Supervisors adopt the Form of Ordinance changing the zoning classification of certain property; and
2. Adopt the Resolution approving TMC 03-0075RPL¹, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes:	7 -	Beck, Brooks, Day, Edwards, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

TMC 03-0058RPL¹, R03-008:

6. Fallbrook Old Stage Tentative Map/Certificate of Compliance (TMC) 03-0058RPL¹ and Zone Reclassification R03-008, Fallbrook Community Plan Area

Request for a Zone Reclassification and Tentative Map/Certificate of Compliance to allow conversion of 20 existing apartments into a 20-unit condominium complex. The proposed Zone Reclassification (R03-008) will allow a change in the Setback Designator from "K" to "J", which will result in the reduction of the interior side yard from 10 feet to five feet from the property line. The property measures .66 acres in size, lies within the Country Town (CT) Regional Category and the (9) Residential Land Use Designation of the General Plan. The project site is located at 1255 Old Stage Road, and is zoned RU29, Urban Residential Use Regulation.

Staff Presentation: Raya

Proponents: 0; **Opponents:** 0

Action: Beck - Brooks

1. Recommend that the Board of Supervisors adopt the Form of Ordinance changing the zoning classification of certain property and
2. Adopt the Resolution approving TMC 03-0058RPL¹, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes:	7 -	Beck, Brooks, Day, Edwards, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

R03-0016:

7. CSDDMT Family Limited Partnership, Zone Reclassification R03-016, Spring Valley Community Planning Area

Request for reclassification of a .80-acre parcel containing an existing office building. The parcel is located at 123 Worthington Street in the Spring Valley Community Plan Area. The existing building has sixteen 860 square-foot suites. The parcel is currently zoned C32, Convenience Commercial, and the applicants are requesting that it be rezoned to C31 Residential/Office Professional. The parcel has a (12) Neighborhood Commercial Land Use Designation.

Staff Presentation: Forsythe

Proponents: 0; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Brooks

Recommend that the Board of Supervisors adopt the Ordinance approving a Zone Reclassification from C32 Convenience Commercial to C31 Residential/Office Professional for property located at 123 Worthington Street in the Spring Valley Community Planning Area..

Ayes:	7 -	Beck, Brooks, Day, Edwards, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

ZAP 03-084:

8. Sprint PCS, Minor Use Permit ZAP 03-084, Valle de Oro Community Plan Area

Appeal, filed by the Valle de Oro Community Planning Group, of the Zoning Administrator's approval of Minor Use Permit ZAP 03-084 for a wireless telecommunications facility. The application is for a Minor Use Permit in accordance with Section 1355, 2184.b., and 7358 of the Zoning Ordinance to authorize the location and use of an unmanned wireless telecommunications facility located within the County right-of-way on Edgewood Drive. The proposed project is a request to attach two omni antennas and one GPS antenna to a 10-foot wide cross-arm on a new 34-foot tall SDG&E support pole that will replace the existing 29-foot SDG&E support pole. The replaced pole will be located on the northwest side of Edgewood Drive, 34 feet from the centerline of the street. The concrete equipment pad, which will accommodate two cabinets, will be located across the street, five feet back from the travel way and approximately 53 feet to the southeast of the replaced pole. The subject area is zoned RR (Rural Residential) with the General Plan Designation (3) Residential, and allows a Minor Impact Utilities use with approval of a Minor Use Permit.

Staff Presentation: Bunnemeyer

Proponents: 6; **Opponents:** 3

Staff has determined that the proposed project will not have any adverse effects on the character of the neighborhood or its uses. Staff believes the proposal is consistent with the Community Plan and compatible with adjacent uses, and explains that numerous utility poles can be found within the vicinity of the project site. The proposed facility will be camouflaged and well screened, and the applicant is required to provide landscape maintenance and an annual report to Staff after the first six months of installation. The cabinets will be painted dark green to blend in with the landscape, and no existing trees or shrubs will be removed. Staff does not believe the proposal will impact views and explains that the applicant will replace an existing pole and increase the height of the pole by five feet. Power lines will be undergrounded, and no additional aboveground lines are allowed. Staff does not believe an EIR is required and states the CEQA exemption is appropriate, as the proposal is a minor alteration. The proposal complies with all the required Findings and is a co-location project allowed in rural residential zones.

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Staff clarifies that the project is not within the Underground Utility District, is 80 feet from the nearest residence and won't increase the number of utility poles in the area.

ZAP 03-084:

The applicant's representatives do not believe the proposal warrants an EIR either, and concur with Staff's assessment. It is explained that the proposed equipment cabinets cannot be undergrounded because of existing underground equipment. The applicant's representatives maintain that they are trying to provide coverage in this residential area. The nearest non-residential use is an elementary school four miles away, and there is no viable commercial or retail operation in the vicinity. The only other option was the right-of-way. They believe today's proposal is the most unobtrusive, minimum-impact facility the applicant can design.

The Valle de Oro Community Planning Group chairman has voiced opposition to the project. He believes it will result in cumulative visual impacts, and states it is not a "minor alteration". He explains that the proposed location is a primary circulation road and is close to one of two sites approved by the Planning Commission last year, both of which are suffering from an extreme lack of landscape maintenance, a statement supported by photographs. The Group chairman does not believe the necessary Findings can be made. He insists that the project violates the Community Plan, the proposed camouflage is inadequate, and the equipment cabinets are too large. He believes the proposal will destroy the root structure of surrounding vegetation, and voices concerns about maintenance of the proposed landscaping.

The Planning Commissioners are greatly concerned about the allegations of landscape neglect raised by the Planning Group chairman, particularly since today's Minor Use Permit contains the exact same Conditions as the previously approved projects. The Planning Commissioners base their recommendations on the applicants' assurances of compliance with the Conditions contained in Use Permits. Commissioner Miller believes land along the sides of the equipment cabinets should also be landscaped, and that the monitoring program contained in today's Minor Use Permit be extended to the existing Sprint sites on Grove Road and Fuerte Drive. The applicant's representatives were unaware that the landscaping on the previously approved sites have been neglected and assure the Commission that the problems will be resolved. The applicant's representatives also express agreement with extending the landscape-monitoring program to the two existing sites.

Commissioner Day questions the applicant's representatives as to what determines that they have enough coverage. He points out that today's Minor Use Permit will only improve coverage minimally, while huge gaps appear in other areas on the map provided by the applicant.

ZAP 03-084:

Commissioner Beck is somewhat concerned with statements made by the applicant's representatives during today's hearings and at past meetings with respect to the applicant's reasons for being unable to underground equipment cabinets and the purported lack of alternate locations for these sites. He reminds the applicant that an EIR would require them to address visual and cumulative impacts, investigate alternate locations, and declare the total replacements of CMI stations. Commissioner Beck states a comprehensive analysis would allow the Commission to understand the links between visual impacts from today's site as well as others and, because of some of the technical points, his confidence in the applicant's statements is waning.

With respect to maintenance of landscape around the facilities, Staff explains that sites are not visited after installation unless complaints are received. Staff further explains that in the future, applicants can be required to furnish the Department with evidence on the adequacy of alternative sites and documentation supporting the infeasibility of undergrounding equipment. This information will be provided to Staff, the Commission and the appropriate Planning Groups.

Commissioner Edwards observes the Commission is quite constrained by Federal laws regarding what can and cannot be done with respect to cell sites. He believes it's fairly evident that today's proposal is a minor alteration and will not cause visual impacts. He does not believe the applicant's credibility is at risk today; however, he remains quite concerned about the lack of maintenance on the previously approved sites. With respect to today's application, Commissioner Edwards supports the Minor Use Permit, with the inclusion of an increase in the applicant's deposit so Staff can visit the site in six and 12 months to ensure that landscaping is being properly maintained. He also recommends that the applicant provide Staff with reports on the vegetation at 18 and 24 months. The applicant expresses agreement with Commissioner Edwards' recommendation. Commissioner Edwards requests reports from the applicant on the Fuerte Drive and Grove Street sites. Commissioner Beck requests that the applicant also provide information on the amount of total coverage anticipated and how many sites will be required to provide total coverage.

Motion: Edwards – Miller

Tentatively deny the appeal and grant Minor Use Permit ZAP 03-084 with revisions to Condition C.4, with respect to an increase in the amount of the applicant's

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ZAP 03-084:

deposit . The Commission is to be provided with reports within 90 days on the previously approved Fuerte Drive and Grove Road cell sites.

Discussion of the Motion:

Commissioner Day announces that he will not support this Motion. Though he is familiar with the applicant's work and reputation, he believes all potential impacts associated with this project must be evaluated. Commissioner Day will support continuing today's hearing to allow additional review.

Ayes: 2 - Edwards, Miller
Noes: 5 - Beck, Brooks, Day, Kreitzer, Woods
Abstain: 0 - None
Absent: 0 - None

The Motion fails.

Action: Beck – Brooks

Postpone further consideration of Minor Use Permit ZAP 03-084 to the meeting of March 19, 2004. Reports are to be provided to the Commission with respect to undergrounding equipment, alternate locations, the amount of total amount of coverage required by the applicant, and the number of sites anticipated to provide total coverage. Per Commissioner Brooks, the applicant is also to provide proof that there isn't adequate room vertically or laterally to underground the equipment cabinets.

Ayes: 6 - Beck, Brooks, Day, Kreitzer, Miller, Woods
Noes: 1 - Edwards
Abstain: 0 - None
Absent: 0 - None

ZAP 03-085:

9. Sprint PCS, Minor Use Permit ZAP 03-085, Valle de Oro Community Plan Area

Appeal, filed by the Valle de Oro Community Planning Group, of the Zoning Administrator's approval of Minor Use Permit ZAP 03-085 for a wireless telecommunication facility. The application is a request for a Minor Use Permit in accordance with Section 1355, 2184.b, and 7358 of the Zoning Ordinance to authorize the location and use of an unmanned wireless telecommunications facility located within the Public right-of-way of Conrad Drive. The proposed project is a request to attach two omni antennas and one GPS antenna to an existing 43-foot tall SDG&E utility pole. The existing pole is located on the north side of Conrad Drive and the underground equipment vault will be placed across the street on the south side of Conrad Drive and surrounded by landscaping. The area is zoned RR (Rural Residential) with the General Plan Designation (3) Residential.

Staff Presentation: Bunnemeyer

Proponents: 6; **Opponents:** 7

The Commission opts to postpone consideration of this Item to receive the additional information requested in their motion on Item 8.

Action: Kreitzer - Miller

Postpone further consideration of Minor Use Permit ZAP 03-084 to the meeting of March 19, 2004. Reports are to be provided to the Commission with respect to undergrounding equipment, alternate locations, the amount of total coverage the applicant needs and the number of sites anticipated to provide total coverage. Per Commissioner Brooks, the applicant is also to provide proof that there isn't enough room vertically or laterally to underground the equipment cabinets.

Ayes:	7 -	Beck, Brooks, Day, Edwards, Kreitzer, Miller, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

P03-086:

10. Changing Options Group Care Facility Major Use Permit, P03-086, Ramona Community Plan Area

Request for a Major Use Permit to operate a group-care facility to provide a treatment and residential program for up to 14 adults. The 0.92-acre property is developed with a 4,035 square-foot house with a pool, garden, patio, parking and extensive landscaping. The house has provided care for six residents since 1986 and now the applicant proposes a total of 14 residents. Eight more bedrooms will be added on the south side of the house, which will increase by 2,323 square feet. The site is zoned RS7, Residential Use Regulations, which requires a Major Use Permit to operate a group-care facility (seven or more residents) pursuant to Section 2105a of the Zoning Ordinance. The property is within the San Diego County General Plan Designation of (6) Residential, and located at 500 Third Street in Ramona.

Staff Presentation: Sibbet

Proponents: 2; **Opponents:** 1

Note: Commissioner Woods abstains from considering this Item.

Discussion:

The applicant's representative informs the Commission that the Community Planning Group has always unanimously supported the existing facility. He states it is a very low-profile facility and many of the Planning Group's representatives didn't know the facility existed. The community's residents will not see the proposed expansion because it's to the rear of the site. The applicant's representative explains that the facility currently has 14 daytime clients and six who reside in the facility. The Modification will increase the number of resident clients to 14, and the daytime clients would be limited to six.

An employee of the Sheriff's Department has voiced opposition to this proposal because of the number of calls for assistance made from the facility. The vast majority of these requests are for assistance in locating residents who are late getting back to the facility. He believes allowing an increase in residents would greatly impact Sheriff's Department resources.

P03-086:

Following the project opponents testimony, the applicant's representative explains that he had no idea calls from the facility were such a burden on the Sheriff's Departments resources. He would like to meet with representatives of this Agency to try and resolve their concerns. He clarifies for the Commission that unless clients are specified as a danger or in jeopardy, they don't have to notify the Sheriff's Department. In addition, because most of the facility's staff are residents of the community, the applicant is willing to call them in as necessary to retrieve their clients.

Action: Edwards – Brooks

Adopt Staff's recommendation to grant Major Use Permit P03-086, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with The Zoning Ordinance. The applicants are to work Officer King of the Sheriff's Department to discuss reducing their burden on the Sheriff's Department.

Discussion of the Action:

Commissioner Kreitzer announces he will not support this Motion. He believes the proposal constitutes a business in this residential zone, and the proposed size of the residence is out of proportion with neighboring residences.

Ayes:	4 -	Beck, Brooks, Edwards, Miller
Noes:	1 -	Kreitzer
Abstain:	1 -	Woods
Absent:	1-	Day

11. San Diego Archaeological Center, Countywide

An introduction to the San Diego Archaeological Center and a discussion on the need for curation to be a part of the mitigation process.

Presentation: Stankowski (SDAC)

Proponents: 0; Opponents: 0

Ms. Stankowski provides a visual and oral presentation about some of the County's many historic and cultural resources, and recommends that the Commission consider making curation of historic artifacts a part of the mitigation process. She explains there are more than 17,000 recorded archaeological sites in the County, most of which were discovered during land development. Almost none of the artifacts discovered on these sites are sent to museums because of inadequate storage space. Many of the collections have been left with archaeologists, who don't have proper storage facilities. The San Diego Archaeological Center is the first in California, and was founded to preserve artifacts and share them with the public.

The Commissioners are very appreciative of Ms. Stankowski's presentation, and Staff is requested to report back with ideas for incorporating curation into the mitigation process and, perhaps, spreading greater awareness about the existence of the Archaeological Center.

12. Report on actions of Planning Commission's Subcommittees.

There were none.

13. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

There was no one designated.

14. Discussion of correspondence received by the Planning Commission:

There was none.

15. Scheduled Meetings:

March 5, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
March 19, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
April 2, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
April 16, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
April 30, 2004	Planning Commission Workshop, DPLU Hearing Room, 9:00 a.m.
May 14, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
May 28, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
June 11, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
July 9, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
July 23, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
August 6, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
August 20, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
September 3, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
September 17, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 1, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.

There being no further business to be considered at this time, the Chairperson adjourned the meeting at p.m. to a.m. on , 2004 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.